

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PARKER KOSHELNIK-TURNER, by his
guardian and next friend, GLEN TURNER;
VIRGINIA KOSHELNIK-TURNER, by her
next friend, GLEN TURNER, on behalf of
themselves and of a class of persons similarly
situated,

Plaintiffs,

v.

SUSAN DREYFUS, in her official capacity
as Secretary of the Washington State
Department of Social and Health Services,

Defendant.

Civil No. 3:09-cv-05379-RBL

ORDER RE PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION

THIS MATTER comes before the Court on Plaintiffs' Motion for Preliminary Injunction to enjoin Defendant, Susan Dreyfus, Secretary of the Department of Social and Health Services (DSHS), from implementing reductions in Medicaid in-home personal care services for children under age twenty-one that were scheduled to go into effect July 1, 2009.

On July 2, 2009, this Court granted Plaintiffs' Motion for Temporary Restraining Order (TRO) enjoining the Defendant from implementing the reductions in personal care services until August 1, 2009. [Dkt. # 25]. Plaintiff moves this Court to continue the TRO presently in place through August 1, 2009 for the pendency of the litigation. Alternatively, Plaintiffs request that the existing TRO be extended until the Centers for Medicaid and Medicaid Services (CMS) has issued its position on DSHS's planned reduction in personal care services. [Dkt. #26 at 1].

1 The Court, having reviewed the memoranda, declarations and exhibits submitted by the parties
2 hereby enters the following ORDER:

3 **ORDER**

4 1. Based on the parties' indications that CMS will issue a position on DSHS' planned reduction in
5 services, the Court hereby extends the existing TRO enjoining Defendant from implementing reductions
6 in Medicaid in-home personal care services for children under age twenty-one for a period ending 30 days
7 after the receipt of CMS' decision by this Court.

8 2. The Defendant shall also provide the Court with any additional evidence and information
9 regarding communications between it and CMS related to the reductions to Medicaid in-home personal
10 care services that it has or receives prior to the issuance of CMS' decision.

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13 IT IS SO ORDERED.

14 Dated this 29th of July, 2009.

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17 RONALD B. LEIGHTON
18 UNITED STATES DISTRICT JUDGE
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